



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2011 Biennium

Bill #	HB0049	Title:	Restrict cell phone use and texting while driving
Primary Sponsor:	Lake, Bob	Status:	As Introduced

- | | | |
|---|--|--|
| <input type="checkbox"/> Significant Local Gov Impact | <input type="checkbox"/> Needs to be included in HB 2 | <input checked="" type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

FISCAL SUMMARY

	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>	<u>FY 2012 Difference</u>	<u>FY 2013 Difference</u>
Expenditures:				
General Fund	\$0	\$0	\$0	\$0
Revenue:				
General Fund	\$5,625	\$5,625	\$5,625	\$5,625
Net Impact-General Fund Balance	<u>\$5,625</u>	<u>\$5,625</u>	<u>\$5,625</u>	<u>\$5,625</u>

Description of fiscal impact: As the result of anticipated fine revenue, there will be a positive impact to state general fund.

FISCAL ANALYSIS

Assumptions:

Department of Justice

1. In 2007, 143 crashes with cell phones listed as a contributing factor were reported in Montana. There were many more crashes reported with inattentive driving as the main contributing factor. Some of these crashes were potentially the result of a distraction caused by electronic devices within the vehicle.
2. Based on the current crash data, the Montana Highway Patrol (MHP) estimates that at least 150 citations would be issued per year as a result of the passage of this bill.
3. Citations issued that have 61-8-711, MCA, as the penalty section, average \$75.00 in the statewide bond schedule.
4. When the MHP issues a traffic citation and the justice court in the local jurisdiction levies a fine, one-half of the fine goes to the state general fund and the other half of the fine goes to the general fund of the county the citation is issued in.

5. The anticipated impact on the state general fund is \$5,625 yearly [150 citations x \$75.00 fine x 0.50 = \$5,625].

	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>	<u>FY 2012 Difference</u>	<u>FY 2013 Difference</u>
<u>Fiscal Impact:</u>				
<u>Revenues:</u>				
General Fund (01)	<u>\$5,625</u>	<u>\$5,625</u>	<u>\$5,625</u>	<u>\$5,625</u>
TOTAL Revenues	<u><u>\$5,625</u></u>	<u><u>\$5,625</u></u>	<u><u>\$5,625</u></u>	<u><u>\$5,625</u></u>

Net Impact to Fund Balance (Revenue minus Funding of Expenditures):

General Fund (01)	\$5,625	\$5,625	\$5,625	\$5,625
-------------------	---------	---------	---------	---------

Effect on County or Other Local Revenues or Expenditures:

County government would receive revenue equal to that of the state general fund, but it would be split among the 56 county governments according to the traffic citation issuance patterns.

Technical Notes:

1. Emergency services workers' use of radio communication devices would be restricted as the bill is currently written. Lack of communication abilities for emergency responders and to address public bystanders could become a safety issue.
2. This bill precludes Montana Department of Transportation (MDT) employees from using current department radio or cell phone communication equipment while operating a vehicle within the defined areas. This could create public safety issues for those critical communication situations during winter storms and snow plowing, pilot and flagger vehicle communication, highway construction activities and communication needs between two vehicles. Other public safety issues could arise during Motor Carrier Officers responding to trucking accidents and during fuel use or weight violation situations.
3. Line-11 uses the terms "or perform any other activity that causes the driver to become inattentive", needs to be better defined in order to develop policies and procedures to ensure drivers follow the legal intent of this law.

Sponsor's Initials

Date

Budget Director's Initials

Date